

Andover Conservation Commission Meeting Minutes

June 5, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room A
7:45 p.m.

Conservation Commission Members in Attendance:

Chairman Cooper, Commissioner Driscoll, Commissioner Fink, Commissioner Greenwood, Commissioner Honea, Commissioner Porter and Commissioner Walsh and Director Robert Douglas were also present.

SCHEDULED ITEMS:

3 Hampton Lane

Present in Interest: Mark Freni

Staff Recommendation:

Public Meeting on the Request for Determination of Applicability filed by Lisa Freni to determine if the proposed installation of 24 ft diameter above ground pool with attached safety fence is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. DA2012-014

Mr. Douglas presented to the Commission. This is a backyard project. The intended project is for a above ground pool, 24 ft in diameter and will be placed behind their home and behind their deck in a backyard area. A couple things that were missing from the plan submitted by the applicant was the distance from the house and the wetlands. Upon a site visit it was found that the wetlands are realistically at the 192 contour. The wetlands are about 20' away. Mark Freni the homeowner described that the fencing is being attached to the pool and the deck will be located on one side only. The pool will float on top of the ground and the deck posts will not be sunk into the ground. The entire area is lawn right up to the wetlands. Chairman Cooper suggested the pool should be pushed out in the old septic system area. Commissioner Greenwood asked about the back washing. Most people are using cartridge filters these days. The concern is about back washing the chlorine into the wetlands. The Commission asked about what type of filtration system is being used with this pool. Mr. Freni replied, it would be a sand filtration system. This was recommended from the pool company. In reference to pool the following conditions will need to be applied: 1) discharge/backwashing will be directed to the area shown on the map which lawn adjacent to where the existing septic is located (not near the wetlands). 2) Pool not to be located more than 20 ft from actual wetlands 3) set a erosion control barrier

Commissioner Greenwood made a motion to approve Request for Determination; it was seconded by Commissioner Driscoll and unanimously approved.

5 Partridge Hill Road

Present in Interest: Dana Messina

Recommendation: Approval of system per plan

Public Meeting on the Request for Determination of Applicability filed by Dana Messina to determine if the proposed abandonment of existing septic system and construction of a replacement septic system within 100 ft of resource area is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV DA2012-015

Director Douglas presented to the Commission. The project is the abandonment of an existing septic system and the construction of a new system and the new location will be in the front of the house. This was done under Title 5 as mandated by the sale of the home. The project is outside of the 50 ft no build zone and the entirety of the new system except for the pump tanks is outside of the 100 ft buffer. The excavator has already laid in the silk sock at the 50 ft no build zone. Recommend to approve system per plan.

Commissioner Porter made a motion to approve; it was seconded by Commissioner Driscoll and unanimously approved.

9 Elysian Drive

Present in Interest: Caroline Cuzzo

Staff Recommendation: Approve per plan and not require stake silt fence

Public Meeting on the Request for Determination of Applicability filed by Robert Cuzzo to determine if the proposed construction of a farmer's porch 6' x 29' on sonotubes within 100 ft bordering vegetated wetland is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV DA2012-016

Director Douglas presented to the Commission. The project is not subject to the local by-law. The project of a farmer's porch is 90 ft from the wetlands with a minimal amount of digging and a visual limit of work put up for this project. Approve project as shown on plan and not require a double stake silk fence. Commissioner Fink would like to see the construction access for this project to be the driveway area for equipment.

Commissioner Walsh made a motion to approve; it was seconded by Commissioner Honea and unanimously approved.

6 Tech Drive

Staff Recommendation:

Present in Interest:

Continued Public Hearing on a Notice of Intent filed by Sara Osborne under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV for removal of an existing concrete chiller pad with underground piping, dumpster pad and concrete wall enclosure and proposed construction of a new concrete pad for a prefab building structure, a new concrete sidewalk and two water quality swales. DEP File #090-1156

Requested to be continued to June 19th per John Crowe Associates, Inc.

Commissioner Honea made a motion to continue to the June 19th Meeting; it was seconded by Commissioner Walsh and unanimously approved.

3 Stone Post Road

Present in Interest: Greg Hochmuth-Hancock Associates

Recommendation: Discuss Revisions and Site walk

Director Douglas presented to the Commission. It was a 21 day schedule and recommended due to 5 Tuesdays in Month of May. The Public Hearing is to be closed and the issuance of the Order of Conditions.

Commissioner Porter made a motion to close the Public Hearing; it was seconded by Commissioner Driscoll; and unanimously approved. Commissioner Honea made a motion to approve the Drafted Order of Conditions by Director Douglas; it was seconded by Commissioner Driscoll and unanimously approved.

8 Snowberry Road

Present in Interest: Peter Hunt and Jack McQuilkan

Recommendation: Approve and Close Public Hearing

Continued Public Hearing on a Notice of Intent filed by Peter Hunt under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, for the proposed construction of a driveway drain at 8 Snowberry Road. DEP File #090-1152.

Director Douglas stated, the purpose of the public hearing was to close the hearing and have a draft order of conditions ready to be reviewed. The Commission requested if a Draft OOC was available and it was not. The Chairman provided direction for Agent Cleary who was not present to send the order out on her return to the office on June 11, 2012. Conditions to be included with the boiler plate are that proposed work will be operating out of an established easement as part of the record; the owner of a portion of the lot where the proposed work is to occur is in agreement with the proposed work and her correspondence will be part of the record; a 5 ft no mow strip up gradient of the wetland boundaries shall remain in effect in perpetuity. It was suggested that Agent Cleary view the tape of the minutes prior to issuing the order.

Commissioner Greenwood made a motion to close the Public Hearing; it was seconded by Commissioner Honea; and unanimously approved. Commissioner Honea made a motion to approve the Order of Conditions by Agent Cleary; it was seconded by Commissioner Greenwood and unanimously approved.

Andover Country Club Legends I

Present in Interest: Doug Lees – Land Engineering & Environmental Services

Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increasing from 24 townhouse units to 32 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities located at entrance of Crenshaw Lane. Legends – Phase I DEP #090-982

Director Douglas presented to the Commission. A site walk took place and it was continued to determine if filing was warranted. Commissioner Fink had concerns about the steepness of the slope. Steve Eriksen Representative stated the stone wall built around the edge was to stabilize this area. Director Douglas stated the on-site remediation is to add silk socks during the site visit to catch sedimentation. Doug Lee stated it was suggested at the site walk to add stone wall to stabilize. Chairman Cooper referenced about construction with after the fact building, with an experienced team and not having authorization with an approved plan. Asking for a permit and asking for approval after the fact. The Commission asked for a submission of an as built with photos as a separate amendment. Jeff Bridge has been hired to review this site. The primary issue is does the current Amendment meet regulatory setbacks to handle this Amendment. Doug Lee discussed that the permanent markers are on the plan for Phase I. The permanent markers are the plan for Phase II. Building 12 is close to haybales with upslope due to a rock. The garage has been flipped on this building. Now it is 73.4 feet from the wetlands and before it was 56.8 ft. The June 1, 2012 plan did not show markers on Building 8 & 9. Doug Lee noted that it is referenced on the June 25th plan.

Commissioner Walsh made a motion to Continue to June 19, 2012; it was seconded b Commissioner Greenwood; and unanimously approved.

Andover Country Club Legends II

Present in Interest: Land Engineering & Environmental Services, Steve Eriksen - Norse Environmental

Public Hearing for a Request an Amended Order of Conditions filed by CA Investment Trust under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an increasing from 27 townhouse units to 28 townhouse units and alteration of building sizes & configuration of associated decks, driveways, grading, rooftop infiltration and utilities. Legends – Phase II DEP #090-985

Commissioner Walsh made a motion to Continue to June 19, 2012; it was seconded by Commissioner Greenwood; and unanimously approved.

239 – 256 High Plain Road

Present in Interest: Brian Moore –Town Andover-Engineering and Ben Osgood- Pennoni Associates

Public Hearing on a Notice of Intent filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, consisting of improvements to rebuild and raise 600 feet of road and replace existing stone culvert with new precast concrete box culvert.

Director Douglas presented to the Commission. He noted that a letter from Pennoni Associates were submitted dated May 29, 2012 with plan changes. Ben Osgood stated that the GIS Wetland maps were not correct. Commissioner Porter addressed the change in the wetland area. Mr. Osgood responded that is 1.5 x permanently altered wetlands.

Commissioner Fink suggested we should review the comments on DEP's website. The calculations need to be reviewed in reference to the wider area of drainage.

Commissioner Porter made a motion to close the Public Hearing and approve to Continue to June 19th to issue Order of Conditions; it was seconded by Commissioner Greenwood; and approved with Commissioner Fink opposed.

ACTION ITEMS:

4 Willoughby Lane

Present in Interest: Steve Eriksen - Norse Environmental

Vote on letter and plan pursuant to enforcement order issued on March 20, 2012 resulting in the Denial of Certificate of Compliance. DEP File #090-0895

The site had numerous changes on the whole site making the site in violation to the Order of Conditions. A hot tub was added; pool, slightly different landscape retaining walls, enlarged deck, patio. The changes should be documented and quantified on a full site plan. A further review of changes is needed to decide course of action. A letter is to be issued to the client.

The applicant sent an e-mail requesting for discussion on this address to be tabled till June 19th.

Commissioner Walsh made a motion to Table till June 19, 2012; it was seconded by Commissioner Driscoll and unanimously approved.

11 Farrwood Drive

Present in Interest: Matt Billings

Consideration of Significance for increase in deck size from 25' x 25' to new size to 30' x 18'. The deck is approximately 70' from the wetlands. DA2009-053

Commissioner Walsh made a motion to approve Consideration of Significance; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

The minutes of May 15, 2012 were not approved to allow time for Commissioner Fink to submit her changes.

11 Linda Road

Issuance of a Notification of Satisfactory Completion of Work. DA2010-037

Commissioner Walsh made a motion to approve to issue Satisfaction Completion of Work; it was seconded by Commissioner Driscoll and unanimously approved.

Boy Scout Troup 77

The Boy Scout Troop 77 Benjamin Keffer was to build a small billboard with a roof for hanging maps, rules and other notices for the Virginia Hammond Reservation and Rafton Reservation. The board space size is approximately 3' x 7'. The roof will have shingles on it and will be varnished to protect the wood. It will be located at the parking lot near leaf compost site at head of trail.

Commissioner Porter made a motion to approve project; it was seconded by Commissioner Driscoll and unanimously approved.

Eagle Scout Project

Eagle Scout Project presentation by Alex Cain from Troop 79 to build a kiosk and benches at Fish Brook North Conservation Land at Chandler Road and River Road. The size is approximately 4' x 4' with a roof. When finished will be painted with varnish. It will present maps and other information. The benches will be placed further back and not on the main road. Then benches will be cemented in about 18' deep.

Commissioner Honea made a motion to approve project; it was seconded by Commissioner Greenwood and unanimously approved.

329 River Road

Issuance of a Notification of Satisfactory Completion of Work. DA2011-053

Commissioner Walsh made a motion to approve to issue Satisfactory Completion of Work; it was seconded by Commissioner Porter and unanimously approved.

DISCUSSION ITEMS:

Rolling Green

The Commission will need to give a summary of their comments and concerns to Zoning Board of Appeals by June 7, 2012. The letter should include a 1 page bulleted summary list for quick review. The comments should pertain to our jurisdictional area.

The next meeting will be held at 7:45 p.m. on June 19, 2012. The meeting was adjourned at 10:16 p.m. by motion by Commissioner Honea. It was seconded by Commissioner Walsh and unanimously approved.

Respectfully submitted by:

Wendy Adams
Recording Secretary